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6	UNITED STATES DISTRICT COURT		
7	DISTRICT OF NEVADA		
8	SONDRA WILLIAMSON,) CASE NO.: 2:23-cv-00485-APG-NJK	
9	Plaintiff,))	
10	VS.	DISCOVERY PLAN AND	
11	HARTFORD LIFE AND ACCIDENT	SCHEDULING ORDER)	
12	INSURANCE COMPANY, as Claims Administrator for the Bank of America	(Special Scheduling ReviewRequested)	
12	Long-Term Disability Plan,) Kequesteu)	
13	Defendant.)	
14	Defendant.	<i>)</i>)	
1.5			
15)	
16	Plaintiff SONDRA WILLIAMSON ("WILLIAMSON") and Defendant HARTFORD		
17	LIFE AND ACCIDENT INSURANCE COMPANY ("HARTFORD") jointly request special		
18	scheduling review and submit the following discovery plan and order for this case.		
19	I. Rule 26(f) Conference.		
20	In accordance with Fed. R. Civ. P. 26(f), a telephonic conference was held beginning		
21	on June 14, 2023 between Julie A. Mersch, counsel for the Plaintiff, and Nancy J. Marr,		
22	counsel for HARTFORD. The parties agree that the standard discovery plan is not best		
23	suited for this lawsuit, for the reasons set forth below. The parties further certify, pursuant to		
24	LR 26-1(b)(7-8), that they have met and conferred regarding the possibility of using alternate		
25	dispute-resolution processes. The provisions of LR 26-1(b)(9) do not apply as no jury trial is		
26	demanded or allowed in this matter.		
	DISCOVERY PLAN AND SCHEDULING ORDER (Special Scheduling Review Requested) 1		

II. Nature of Case and Purpose of Special Review.

This claim involves coverage for long-term disability benefits under a group insurance plan ("Plan") administered by Plaintiff's employer, Bank of America (Plan Administrator) for the benefit of its employees. Defendant HARTFORD administers claims under the Plan. The Plaintiff's complaint alleges a claim under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, et seq. ("ERISA"), seeking, *inter alia*, reinstatement of long-term disability benefits and payment of past benefits. This action is brought pursuant to §502(a)(1)(B) of ERISA (29 U.S.C. §§1132 (a)(1)(B)). HARTFORD asserts that based on all of the medical, vocational, and investigative information reviewed, Plaintiff's claim is not payable under the terms of the Plan and Plaintiff is not entitled to the long-term disability benefits or the relief she seeks in her complaint.

No discovery plan and scheduling order is generally required for review of an administrative record. LR 16-1(c)(1). An action for an administrative review usually requires that the parties file a briefing schedule. LR 16-1(c). Accordingly, the parties jointly request that this Court review and adopt the proposed non-standard discovery and case schedule set forth below:

III. Jurisdiction and Venue

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331 as a federal question under ERISA, 29 U.S.C. §§ 1001 *et seq*.

HARTFORD is reviewing this matter to determine if venue is more appropriate in Florida where the Plaintiff resides. If so, HARTFORD anticipates the possibility of filing a motion to transfer venue under 28 U.S.C. § 1404(a) on or before Friday, September 29, 2023. HARTFORD respectfully requests this timeframe, so that it can first fully explore settlement with the Plaintiff, following initial disclosure of the administrative record by August 4, and before the expenditure of costs and resources on a motion and possible transfer of jurisdiction between courts. During this time, the parties plan to discuss any discovery and/or dispute

regarding the administrative record, also a consideration within the context of settlement discussions. Absent resolution, time would then be needed to fully review and analyze the extent and nature of the contacts and to prepare any motion to transfer venue. (In addition, counsel has a prepaid vacation scheduled during September 5-11, 2023.)

Plaintiff will oppose any motion to transfer venue and does not believe that the timing of the motion should be contingent on the outcome of settlement discussions.

IV. Proposed Plan

The parties have conferred and agree as follows:

A. Initial Disclosures

Production of the Administrative Record: HARTFORD will disclose a copy of the ERISA administrative record by **Friday, August 4, 2023.**

B. Meet and Confer Period:

Plaintiff contends that she is entitled to conduct discovery in this matter.

HARTFORD asserts that no discovery appears appropriate or permissible under the facts of this case. Accordingly, Plaintiff and HARTFORD will meet and confer by **Friday**, **September 1, 2023** as to 1) the type of discovery and scope of discovery that Plaintiff contends is permissible and should be conducted, with reasonable specificity (including proposed written discovery where possible); and 2) whether the parties agree regarding the contents of the Administrative Record, including whether materials should be added and/or removed therefrom. Any discovery that the parties agree is permissible ERISA discovery shall be served by **Friday**, **October 2, 2023**.

C. Briefing re: ERISA Discovery Disputes: To the extent that, after the meet and confer period, the parties disagree as to 1) the permissible scope of discovery and type of discovery and/or 2) the contents of the Administrative Record, then on or before **Friday**, October 20, 2023, the parties will simultaneously brief the Court and request a ruling on any remaining disputes.

1	D. Filing of ERISA Administrative Record and Briefing of the Merits of the		
2	Case: If no discovery briefs are filed under Paragraph III.C., above, then on or before		
3	Friday, December 1, 2023, Defendant will file the Administrative Record with this Court,		
4	the contents of which will be agreed upon by the parties.		
5	If a joint Administrative Record is timely filed and simultaneous motions are not file		
6	under Paragraph III.C., above, Defendant proposes that FRCP Rule 52/56 motions be filed n		
7	later than Thursday, January 18, 2024; opposing memoranda by Thursday, February 15.		
8	2024; and reply memoranda by Thursday, March 7, 2024. Plaintiff proposes that FRCP		
9	Rule 52/56 motions be filed by Monday, December 11, 2023; oppositions by Friday,		
10	January 12, 2024; and replies by Friday, January 26, 2024.		
11	Court-approved deadlines for filing FRCP Rule 52/56 motions/responses/replies		
12	FRCP Rule 52/56 motions: December 11, 2023		
13	Responses:January 12, 2024		
14	Replies: January 26, 2024		
15	If motion(s) are filed under Paragraph III.C., above, the deadlines set forth in		
16	this Paragraph III.D. will be suspended. The parties will propose new deadlines after any		
17	discovery motion has been ruled upon, to take into account any additional discovery time		
18	permitted.		
19	V. <u>Settlement.</u>		
20	The parties intend to engage in early settlement discussions and discussed the time		
21	frames for such discussions in the Rule 26 conference.		
22	<u>ORDER</u>		
23	IT IS SO ORDERED.		
24	UNITED STATES MAGISTRATE JUDGE		
25	Dated: July 25, 2023		
26			